



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. A Haydar

**Respondent:** Pennine Acute NHS Trust

## JUDGMENT

The claimant's application dated 21 May 2017 for reconsideration of the judgment sent to the parties on 15 May 2017 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The claimant's letter to the Tribunal dated 21 May 2017 is said to be an application for review of the preparation time judgment and also a complaint. It was being prepared over some time because it is not until half way down the fourth page of five that the claimant refers to having received the tribunal's judgment with reasons on 19 May.
3. With regard to the prospect of success of the response we noted in paragraph 18 of the judgment that the claimant had succeeded in one of his claims with other eight claims being dismissed. We found at paragraph 19 that it would not have been reasonable to split off the unfair dismissal claim given the way in which the case was put.
4. It is not for a Tribunal to give its views on the prospect of success of any part of the claim or defence at the start of a full liability hearing. To do so would bring allegations of bias. It was open to either party to make an application to strike out all or part of a claim or response that had no reasonable prospect of success or for a deposit order if a claim or response had little reasonable prospect of success but neither party made such application. This is why the full hearing proceeded.
5. With regard to the strike out applications heard by Employment Judge Ross, these were in relation to the way in which the parties were conducting the litigation and did not relate to the merits of their respective cases. Judge Ross

made her findings which did not include a rejection of the respondent's costs application in paragraph 52. This Tribunal dealt with the claimant's application in paragraph 17.

Employment Judge Sherratt

2 June 2017

JUDGMENT SENT TO THE PARTIES ON

6 June 2017

FOR THE TRIBUNAL OFFICE